IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 9 OF 2006

Shri Dinesh @ Shiva Hemant
Sapre ....Applicant.

V/s

The State of Maharashtra ...Respondent.

Ms. Pranali Kakade h/f Subhash Halyalkar for the applicant.

Mr. S.S. Tatkare, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 25th January, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with the offence which was registered with the Haveli Police Station vide C.R. No.1 of 2005 for the offence punishable under section 302, 147, 148, 149, 326, 324, 377, 120(B) of the Indian Penal Code.

3. The prosecution case is that the present applicant was the main conspirator at whose instance the deceased was murdered by the other accused. It is alleged that one of the co-accused had made a

statement in which he had named the present applicant as conspirator in the said offence and that the present applicant had conversation with the co-accused Ashok G. Ogale on his mobile which was registered in the name of co-accused Jayashree @ Kalyani U. Deshpande. It is stated in the affidavit filed by the prosecution that there is recovery of clothes and weapons used in the commission of the crime and the panchanama to that effect has been made. It is further alleged that the applicant was involved in three cases in the past for the offence punishable under section 294, 363, 366-A of the Indian Penal Code and 4(1)(2)(A)(B)(C), 5 PITA Act.

4. In the present case, admittedly, main assailants who had committed the offence had already been released on bail. The only evidence against the present applicant is the statement of the co-accused who has stated that the present applicant is a main conspirator in the present case and, secondly, it is alleged that the recovery of the clothes and weapons has been made from his residence.

5. In my view, the applicant has made out a case for grant of bail. All other accused who were involved in the crime have been released on bail. The only

allegation against the applicant is that he is a conspirator and that is on the basis of the statement of the co-accused. Under these circumstances, applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. The applicant to report to Haveli Police Station once in a week.

V.M. KANADE, J.